

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

GAEL SPENCER,	:	
	:	
Plaintiff,	:	Case No. 3:10cv00365
	:	
vs.	:	
	:	District Judge Walter Herbert Rice
CAROLYN W. COLVIN,	:	Chief Magistrate Judge Sharon L. Ovington
Acting Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

DECISION AND ENTRY


This case is before the Court upon the Motion For Allowance Of Attorney Fees filed by Plaintiff's counsel. (Doc. #15). The Acting Commissioner has neither responded to nor opposed the Motion, and the time for filing a Memorandum in Opposition has expired. *See* S.D. Ohio Civ. R. 7.2(a)(2). Plaintiff's counsel reports that the Acting Commissioner has indicated that even though she cannot consent to the fee under 42 U.S.C. §406(b)(1), she does not object to the reasonableness of the fee requested by Plaintiff's counsel. (Doc. #15, PageID at 137).

The Motion seeks an award of attorney fees under 42U.S.C. §406(b)(1) in the total amount of \$10,000.00. *Id.* In the absence of a response, opposition, or objection by the Acting Commissioner, the Motion, Memorandum, and supporting Exhibits establish that an

award of attorney fees is warranted under 42 U.S.C. §406(b)(1) in the amount the Motion seeks.

Accordingly, the Court hereby **ORDERS** that:

1. The Motion For Allowance Of Attorney Fees (Doc. #15) is GRANTED;
2. The Acting Commissioner shall pay Plaintiff's attorney fees from Plaintiff's past-due benefits, pursuant to 42 U.S.C. §406(b)(1), in the amount of \$10,000.00; and
3. The case remains terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge